

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Montana State Office

5001 Southgate Drive, P.O. Box 36800

Billings, Montana 59107-6800

<http://www.mt.blm.gov/>

In Reply To:
5400 (923) P

March 19, 2004

EMAIL TRANSMISSION – 3/19/04
Instruction Memorandum No. MT-2004-047
Expires: 9/30/05

To: Field Managers

From: Deputy State Director, Division of Resources

Subject: State Clarification for the Proper Format for Submission of Forest Management and Wildfire Management Decisions

This instruction memorandum is to further clarify program direction issued by the Washington Office in IM No. 2004-129 pertaining to advertisement language and receipt of protests.

Under Title 43 of the Code of Federal Regulations (CFR) parts 5003.1 – 3, define the administrative remedies procedure for protests of forest management, timber sale, and wildfire management decisions. The WO has provided clarification and guidance to 43 CFR part 5003.3 (b), “Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision.” The guidance provides that only signed, hardcopy protests, timely received will be considered as a protest to the decision made under the authority in 43 CFR 5000. E-mail or electronic facsimile (FAX) are not to be acknowledged or accepted as a valid protest.

The guidance found in the Forest Product Sale Procedure Handbook Series, Advertisement H-5430-1, will need to be modified again. The WO IM No. 97-59 modified section II., Legal Advertising Requirements part A. Content of Advertisement based on Decision 96-514 by the Interior Board of Land Appeals. The WO IM 2004-129 modifies that section to now read as follows:

“This {forest management notice, timber sale notice, wildfire management notice} constitutes the decision document for the purposes of protests under 43 CFR Subpart 5003 – Administrative Remedies. Protest of any {forest management decision, timber sale, or wildfire management decision} listed below must be filed within 15 days after the first publication of this notice. As interpreted by BLM, the regulations do not authorize the acceptance of protests in any form other than a written hard copy that is delivered to the physical address of the advertising BLM office.”

This language should be published in a newspaper of general circulation in the area where the lands affected by the decision(s) are located. The publishing of the notice of decision establishes the effective date of the decision and begins the required 15-day protest period for these types of decisions.

If you have any questions on this change, please contact Bill Hensley at 406-896-5042.

Signed by: Howard A. Lemm

Authenticated by: Janie Fox (MT920)

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